the absolute value of SM is demonstrated in Table 1 on page 18 of the English language specification. When SM is too large and RA/SM is too small (as in Comparative Examples 1 and 2), the film does not prevent Newton ring formation. When RA/SM or both SM and RA/SM are too large (Comparative Examples 3 and 5), Newton ring prevention is obtained but at the expense of insulating properties, which are equally important to the operation of the device. When RA/SM is too small, Newton ring prevention is poor (Comparative Example 4). Only when both SM and RA/SM are within the claimed ranges can one obtain both good Newton ring prevention and good insulating properties.

Okamura et al. describe what is fairly regarded as background art. Okamura et al. describe a filter into which an anti-Newton ring layer may be incorporated. The anti-Newton ring layer may be a roughened material. In Figs. 3, 4 and 9 of the reference, protective layer 40 may have an anti-Newton ring function. In Figs. 5, 10 and 11 of the reference, layer 41 is an anti-Newton ring layer, as is layer 53 in each of Figures 6, 7 and 8.

In none of embodiments illustrated in Okamura et al. figures 3-11 is an electroconductive layer on the surface of the anti-Newton ring layer, as required by the claims in this case. In Figures 5-8, and 10-11, the anti-Newton ring is separated from transparent laminate 10 (which contains electroconductive layers) by an intervening protective layer 40 or transparent molded article 30. In Figures 3, 4 and 9, a layer that may act as an anti-Newton ring is attached directly to the transparent laminate 10. However, transparent laminate 10 includes a top-most high refractive index layer 13 (Fig. 2), so even in the embodiments of Figs. 3, 4 and 9 the anti-Newton rign is spaced apart from the electroconductive layer. There is no description in Okamura et al. of an anti-Newton ring layer being applied directly to an electroconductive layer. Even if the reference was construed as teaching or suggesting an anti-Newton ring layer attached directly to an electroconductive layer, the reference is silent as to whether the electroconductive layer is affixed to the side of the anti-Newton ring layer having the surface projections.

Therefore, Okamura et al. fail to describe or suggest at least two important aspects of applicant's invention. First, Okamura et al. do not describe the particular construction of the device of applicant's claims 1-3. Second, Okamura et al. do not recognize that, in such a device, surface roughness characteristics are an important parameter.

Amimori et al. describes films having specific surface roughness characteristics, but fails to describe the particular construction set forth in the present claims, and of course does not relate the specific surface roughness to Newton ring prevention or other

performance characteristics of applicant's particular device. Combining Amimori et al. with Okamura et al. does not lead to the invention now claimed.

Regarding the Rejection over Fujii et al. in view of Murata et al.

Claims 4-7 stand rejected over U. S. Patent No. 6,611,229 to Fujii et al. in view of U. S. Patent No. 6,261,665 to Murata et al. This rejection is respectfully traversed for the following reasons.

The invention of claims 4-7 is a touch panel that, when operated, exhibits little or no Newton ring effect. The touch panel includes upper and lower transparent electrodes that are spaced apart by some predetermined interval, with the electrode layers facing each other. At least one of these electrodes has a surface roughness within specific parameters as set forth in claims 4-7. Applicants have found that this surface roughness is important in preventing the appearance of Newton rings when the touch panel is depressed.

As pointed out by the examiner, Fujii et al. describe a touch panel having facing transparent electrodes. However, Fujii et al. do not describe the surface roughness of these electrodes. Nor do Fujii et al. recognize a relationship between the surface roughness and the Newton ring effect. Fujii et al. do not suggest that any particular surface roughness parameters have any significance at all in his device.

Murata et al. describe using a surface-roughened epoxy coating as an anti-reflection layer. Murata et al. are not concerned with either (1) touch panels generally or (2) any method for preventing Newton ring formation. Therefore, Murata et al. do not describe or suggest any relationship between roughness in a touch panel component and the appearance of Newton rings when the touch panel is operated.

The examiner reasons that one would be motivated to combine Murata et al. with Fujii et al., because Murata et al. suggest "that a surface-roughened layer formation equivalently provides the desired average surface roughness". This rationale relies on hindsight, because until the applicants made their invention, there was no "desired average surface roughness" for these touch panels, nor any reason to believe that the specific surface roughness parameters of applicants' claims would effect Newton ring formation. Certainly neither of these references suggests that any particular surface roughness would be desirable in a touch panel application. The examiner's rationale begs the main question, which is whether any teaching in either of these references would lead one of ordinary skill in the art to select the specific roughness parameters in order to obtain a touch panel with

excellent Newton ring prevention. The answer to that question is clearly "no". Claims 4-7 are not obvious from a combination of Fujii et al. and Murata et al.

Respectfully submitted,
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